

STATE OF SOUTH CAROLINA

(Caption of Case)

IN THE MATTER OF THE JOINT APPLICATION  
OF CIMCO COMMUNICATIONS, INC. AND  
COMCAST PHONE OF SOUTH CAROLINA, INC.  
FOR APPROVAL OF THE TRANSFER OF  
ASSETS AND CUSTOMER BASE

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2009 - - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

Address: Ellis, Lawhorne & Sims, PA

PO Box 2285

Columbia SC 29202

SC Bar Number: 11208

Telephone: 803-343-1270

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Other:

Email: jpringle@ellislawhorne.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda  
expeditiously

☐ Other:

INDUSTRY (Check one)

- ☐ Electric  
☐ Electric/Gas  
☐ Electric/Telecommunications  
☐ Electric/Water  
☐ Electric/Water/Telecom.  
☐ Electric/Water/Sewer  
☐ Gas  
☐ Railroad  
☐ Sewer  
☒ Telecommunications  
☐ Transportation  
☐ Water  
☐ Water/Sewer  
☐ Administrative Matter  
☐ Other:

NATURE OF ACTION (Check all that apply)

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Affidavit      | <input type="checkbox"/> Letter                            | <input type="checkbox"/> Request                   |
| <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement          |
| <input type="checkbox"/> Application               | <input type="checkbox"/> Petition                          | <input type="checkbox"/> Resale Amendment          |
| <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter        |
| <input type="checkbox"/> Certificate               | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response                  |
| <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discovery     |
| <input type="checkbox"/> Complaint                 | <input type="checkbox"/> Petition to Intervene             | <input type="checkbox"/> Return to Petition        |
| <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation               |
| <input type="checkbox"/> Discovery                 | <input type="checkbox"/> Prefiled Testimony                | <input type="checkbox"/> Subpoena                  |
| <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                    |
| <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other:                    |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           |  |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |  |
| <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |  |

Print Form

Reset Form

# ELLIS:LAWHORNE

Carol Roof  
Direct dial: 803/779-0066  
[croof@ellislawhorne.com](mailto:croof@ellislawhorne.com)

October 26, 2009

**FILED ELECTRONICALLY**

The Honorable Charles L.A. Terreni  
Chief Clerk  
**SC Public Service Commission**  
P.O. Drawer 11649  
Columbia, SC 29211

RE: Joint Application of CIMCO Communications, Inc. and Comcast Phone  
of South Carolina, Inc. for Approval of the Transfer of Assets and  
Customer Base  
**Docket No. 2009-417-C, ELS File No. 2096-11677**

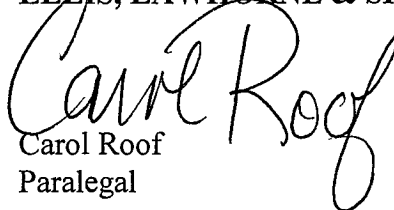
Dear Mr. Terreni:

Enclosed for filing are the Affidavits of Publication received from The State-Record  
Co, Inc. and The Greenville News in the above-referenced docket.

If you have any questions or need additional information, please do not hesitate to  
contact me.

Sincerely,

**ELLIS, LAWHORNE & SIMS, P.A.**

  
Carol Roof  
Paralegal

cc: Brian Nixon, Esquire  
Jean L. Kiddoo, Esquire  
Brett P. Ferencak, Esquire  
Shealy Boland Reibold, Esquire

enclosures

**NOTICE OF**

**FILING**

DOCKET NO.  
2009-417-C

CIMCO Communications, Inc. ("CIMCO") and Comcast Phone of South Carolina, Inc. ("Comcast Phone") (collectively "Applicants"), pursuant to S.C. Code Section 58-9-310 and the rules of the Public Service Commission of South Carolina ("Commission"), have filed an Application seeking approval from the Commission for the transfer of certain assets of CIMCO to Comcast Phone (the "Transaction"). Pursuant to an Asset Purchase Agreement entered into as of September 16, 2009, between Comcast Phone and certain of its affiliates, and CIMCO (the "Agreement"), Comcast Phone will acquire the assets and customer accounts (including related data, databases, contracts and customer records needed to support the provision of telecommunications services to those customers) of CIMCO in the State of South Carolina. Following completion of the migration of customers to Comcast Phone, all of the affected customers will continue to receive service from Comcast Phone under the same rates, terms and conditions as currently provided by CIMCO. In addition, Applicants have requested, to the extent necessary, that the Commission grant a waiver of any applicable anti-slamming regulations that may be inconsistent with the FCC's rules regarding the transfer of customer bases provided in 47 C.F.R. § 64.1120(e). Further, the Applicants have requested that the Commission, following the completion of the Transaction, cancel CIMCO's Certificate of Public Convenience and Necessity.

A copy of the Application is on file in the offices of the Commission, 101 Executive Center Drive, Columbia, South Carolina 29210 and on the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov) under Docket Number 2009-417-C. A copy of the Application is also available from John J. Pringle, Esquire, Ellis, Lawhorne & Sims, P.A., Post Office Box 2285, Columbia, SC 29202. A public hearing, if scheduled, will be held in Columbia, South Carolina, in the offices of the Commission at the above address, for the purpose of receiving testimony and other evidence from all interested parties regarding this Application. The time and date of this hearing will be furnished to all interested parties at a later date. Any person who wishes to participate in this matter, as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the

THE STATE MEDIA CO., INC.  
Columbia, South Carolina  
publisher of  
**The State**

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Personally appeared before me, Brian Nalepa, Advertising Operations Manager of THE STATE, and makes oath that the advertisement,

Notice of Filing – Docket No. 2009-417-C – CIMCO Communications Inc.

was inserted in THE STATE, a daily newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issue(s) of

October 14, 2009

Subscribed and sworn to before me

on this day October 20, 2009

Robert F. Nalepa

Notary Public

My commission expires  
March 10, 2013

*"Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion."*

RECEIVED

OCT 23 2009

Ellis, Lawhorne  
& Sims, PA

9/2009, and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. Please refer to Docket No. 2009-417-C.  
Any person who wishes to testify and present evidence at the hearing should notify the Docketing Department in writing, at the address below, the Office of Regulatory Staff at 1401 Main Street, Suite 900, Columbia, South Carolina 29201, and John J. Pringle, Esquire, at the above address, on or before November 9, 2009, and indicate the amount of time required for his presentation. Please refer to Docket No. 2009-417-C.  
Any person who wishes to be notified of any change in the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Docketing Department in writing, at the address below on or before November 9, 2009. Please refer to Docket No. 2009-417-C.  
**PLEASE TAKE NOTICE:**  
Any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments, in person, to the Commission during the hearing.  
Persons seeking information about the Commission's Procedures should contact the Commission at (803) 896-5100.  
Public Service Commission of South Carolina  
Attn: Docketing Department  
Post Office Drawer 11649  
Columbia, South Carolina 29211  
10/8/09

# The Greenville News

greenvilleonline.com

## Classified Advertising

Date: 10/15/2009

OCT 26 2009

Ellis, Lawhorn  
& Sims, PA

Name: / ELLIS LAWHORNE & SIMS PA  
PO BOX 2285 COLUMBIA

Rate: Legal Rates  
SC 29202

Ad No: 4547979

Class: 0008 Legal Notices (News)

Runs:

Tuesday, October 13, 2009

Lines: 198

## AFFIDAVIT

I, Susan F. Mullinax, being the Legal Advertising Agent for *The Greenville News*, do hereby testify that the attached legal ad was published on 198 lines as set forth above, in The Greenville News beginning on 10/13/2009 and ending on 10/13/2009

*Susan F. Mullinax*

Susan F. Mullinax  
Legal Advertising Agent

*Carlotta G. Bell*

Carlotta G. Bell  
Notary Public for the State of South Carolina  
My Commission Expires August 16, 2010

Post Office Box 1688 \* Greenville, SC 29602  
Phone: 864.298.4100



305 South Main Street \* Greenville, SC 29601  
Toll Free: 1.800.800.5116

4547979 PUBLIC SERVICE COMMISSION OF SOUTH  
CAROLINA DOCKETING DEPARTMENT NOTICE  
OFFILING DOCKET NO. 2009-417-C CIMCO

Communications, Inc. ("CIMCO") and Comcast Phone of South Carolina, Inc. ("Comcast Phone") (collectively, "Applicants"), pursuant to S.C. Code Section 58-9-310 and the rules of the Public Service Commission of South Carolina ("Commission"), have filed an Application seeking approval from the Commission for the transfer of certain assets of CIMCO to Comcast Phone (the "Transaction"). Pursuant to an Asset Purchase Agreement entered into as of September 16, 2009, between Comcast Phone and certain of its affiliates, and CIMCO (the "Agreement"), Comcast Phone will acquire the assets and customer accounts (including related data, databases, contracts and customer records needed to support the provision of telecommunications services to those customers) of CIMCO in the State of South Carolina. Following completion of the migration of customers to Comcast Phone, all of the affected customers will continue to receive service from Comcast Phone under the same rates, terms and conditions as currently provided by CIMCO. In addition, Applicants have requested, to the extent necessary, that the Commission grant a waiver of any applicable anti-slamming regulations that may be inconsistent with the FCC's rules regarding the transfer of customer bases provided in 47 C.F.R. 64.1120(e). Further, the Applicants have requested that the Commission, following the completion of the Transaction, cancel CIMCO's Certificate of Public Convenience and Necessity. A copy of the Application is on file in the offices of the Commission, 101 Executive Center Drive, Columbia, South Carolina 29210 and on the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov) under Docket Number 2009-417-C. A copy of the Application is also available from John J. Pringle, Esquire, Ellis, Lawhorne & Sims, P.A., Post Office Box 2285, Columbia, SC 29202. A public hearing, if scheduled, will be held in Columbia, South Carolina, in the offices of the Commission at the above address, for the purpose of receiving testimony and other evidence from all interested parties regarding this Application. The time and date of this hearing will be furnished to all interested parties at a later date. Any person who wishes to participate in this matter, as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before November 9, 2009, and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. Please refer to Docket No. 2009-417-C. Any person who wishes to

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**THANK YOU FOR YOUR ADVERTISEMENT!**

If I can be of further assistance, please call : Susan  
4229